IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 798 of 2002
in
SPECIAL CIVIL APPLICATIONNo 6525 of 2002
with
LETTERS PATENT APPEAL No 799 of 2002
with
CIVIL APPLICATION No 7541 & 7543 of 2002

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT
and
HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANAGING DIRECTOR
Versus
KOTDA DUDH UTPADAK SAHKARI MANDALI LTD.

Appearance:
1. LETTERS PATENT APPEAL No. 798 of 2002
MR TUSHAR MEHTA for Appellant No.
MR PS CHAMPANERI for Respondent No. 1-2
MR PR ABICHANDANI AGP for Respondent No. 3-5,7
NOTICE SERVED BY DS for Respondent No. 6
2. LETTERS PATENT APPEAL No. 799 of 2002
MR DEVANG NANAVATI for Appellant No.
MR PS CHAMPANERI for Respondent No. 1

CORAM : HON'BLE DR.JUSTICE J.N.BHATT

and

HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 20/01/2005

ORAL JUDGEMENT

(Per : HON'BLE DR.JUSTICE J.N.BHATT)

Upon matter being called out, the learned Advocate Mr.Tushar Mehta for the appellants, whereas learned Advocate Mr.Y.V.Vaghela appearing for learned Advocate Mr.P.S.Champaneri for Respondent Nos.1 and 2 and learned AGP Mr.P.R.Abichandani were also present for Respondent Nos.3, 4, 5 & 7.

2. It was pointed out to us, by making a statement at the bar that, the appellant, one Mr.Mohanbhai R. Bharvad in LPA 799/02, in subsequent developments, has got elected as a Director and thereafter as a Chair Person of The Ahmedabad District Co-Op. Milk Producers Union Ltd. This aspect is not disputed. Obviously, the interim order of the Learned Single Judge, before whom the main petition is awaiting adjudication on merits and Letters Patent Appeals are only against the earlier interlocutory order, therefore, as a necessary corollary, the Letters Patent Appeals would not survive, since the question, which is challenged here, could be, successfully, raised and now could also be adjudicated upon by the Learned Single Judge. Therefore, without going into the legality part of it, we dispose of this group.

3. In view of the aforesaid aspects and upon consideration of the views expressed, the entire group of Letters Patent Appeals with Civil Applications would not assume any survival value. Therefore, they shall stand disposed of as having become infrautuous. No costs

(Dr. J. N. Bhatt, J.)

(J. R. Vora, J.)

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